

acquiescing to the merits of the rejection, therefore the rejection is moot. As indicated above, Applicants submit that the cited references do not disclose nor suggest any of the stabilizers recited in the substitute claims.

Claim 24 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Baquely *et al.* Applicants have cancelled these claims without prejudice or disclaimer and without acquiescing to the merits of the rejection, therefore the rejection is moot. As indicated above, Applicants submit that the cited references do not disclose nor suggest any of the stabilizers recited in the substitute claims.

Claims 3, 30, 34, 37, 42, 46, 51, 57, 58, 60, 65, 69, 74, 77, 80 to 83 and 173 to 181 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Field *et al.* in view of Horowitz *et al.* Applicants have cancelled these claims without prejudice or disclaimer and without acquiescing to the merits of the rejection, therefore the rejection is moot. Applicants have addressed Horowitz *et al.* above but with regard to Field *et al.*, Applicant submit that this reference does not disclose any of the stabilizers in the substitute claims and therefore does not suggest their use.

### **Conclusion**

The foregoing remarks are being made to place the application in condition for allowance. Applicants respectfully request reconsideration and timely allowance of the pending claims. A favorable action is awaited. Should the Examiner find that an interview would be helpful to further prosecution of this application, he is invited to telephone the undersigned at his convenience. If there are any fees due in connection with the filing of this amendment, please charge the fees to our Deposit Account No. 50-310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

**Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **May 27, 2004**

Morgan, Lewis & Bockius LLP

Customer No. **09629**

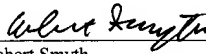
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202-739-3000

Respectfully submitted,

**Morgan, Lewis & Bockius LLP**

A handwritten signature in cursive script, appearing to read "Robert Smyth", is written over a horizontal line.

Robert Smyth

Registration No. 50,801